

AN ORDINANCE 100300

AUTHORIZING PAYMENT IN THE AMOUNT OF \$1,500,450.00 TO STEWART TITLE COMPANY AS ESCROW AGENT FOR A THIRTY PERCENT (30%) UNDIVIDED INTEREST OF A 421.0020 ACRE TRACT OF LAND KNOWN AS THE CANYON RANCH TRACT SITUATED IN BEXAR COUNTY, TEXAS, UNDER THE PROPOSITION THREE EDWARDS LAND ACQUISITION AND PARK EXPANSION PROJECT; AUTHORIZING PAYMENT IN THE AMOUNT OF \$15,000.00 TO THE TRUST FOR PUBLIC LAND FOR SERVICES IN NEGOTIATING, INVESTIGATING, AND PURCHASING SAID PROPERTY; AND AUTHORIZING THE EXECUTION OF A REAL ESTATE PURCHASE CONTRACT TO ACCOMPLISH SAID PURCHASE; APPROPRIATING FUNDS; PROVIDING FOR PAYMENT; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT (8) VOTES.

* * * * *

WHEREAS, under Proposition 3 of the election held on May 6, 2000, the voters of San Antonio approved an increase in the sales tax to fund the purchase of new parkland in the Edwards Aquifer zones as well as linear parks along Leon Creek and Salado Creek; and

WHEREAS, the ordinance authorizing that election also created the Conservation Advisory Board (CAB) and the Scientific Evaluation Team (SET) to advise the City Council on purchases of property under the program; and

WHEREAS, the SET created a GIS model composed of forty-three (43) different layers of information that take into consideration the hydrogeology, watersheds, and biology over northern Bexar County; and

WHEREAS, the CAB, using that model, has now identified a certain 421.0020 acre tract of land known as the Canyon Ranch tract for purchase and has voted on December 6, 2004 to recommend purchase of a thirty percent (30%) undivided interest of this parcel and the Planning Commission reviewed this purchase on December 8, 2004 and also recommended the purchase of this property; and

WHEREAS, the proposed acquisition would have the remaining 70% undivided property interest held by the Texas Parks and Wildlife Department that will be purchased with a US Department of the Interior Fish and Wildlife Service grant for the protection of Karst Habitat; and

WHEREAS, an intrajurisdictional agreement between the City and SAWS, authorized on October 9, 2003 by the City and authorized on September 16, 2003 by SAWS, provided that in exchange for approximately 1,841 acres of the Applewhite property, the City would transfer to SAWS a conservation easement on 710 acres of land known as the Chris Hill tract, which was accomplished in January 2004, and further provides that the City transfer to SAWS a conservation interest in the 421.0020 acre tract of land known as the Canyon Ranch tract; and

WHEREAS, in compliance with this intrajurisdictional agreement the City will transfer control of a fifteen percent (15%) undivided interest in the Canyon Ranch Tract; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

Section 1. The Interim City Manager, or his designee, is hereby authorized to execute a Real Estate Purchase Contract with the Trust for Public Land for the purchase of a thirty percent (30%) undivided interest in a certain 421.0020 acre tract of land known as the Canyon Ranch tract, located in Bexar County Texas for a purchase price of \$1,500,450.00

Section 2. The Interim City Manager, or his designee, is hereby authorized to execute any necessary documents, after review and approval by the City Attorney's Office, to close said purchase and comply with the previously authorized intrajurisdictional agreement with SAWS.

Section 3. The amount of \$914,450.00 is appropriated in SAP fund 29081000, EDWARDS AQUIFER PRJ, in SAP GL account 6102100 - Interfund Transfers Out. The amount of \$914,450.00 is authorized to be transferred from SAP fund 29081000 to SAP fund 41028000.

Section 4. The budget in SAP fund 41028000, Parks Development Expansion Commercial Paper, shall be revised by increasing SAP GL Account 6101100 - Interfund Transfers In, by the amount of \$914,450.00.

Section 5. The amount of \$1,500,000.00 is appropriated in SAP Fund 41028000, Parks Development Expansion Commercial Paper, and is authorized to be encumbered and made payable to Stewart Title Company in connection with the Proposition Three Edwards Land Acquisition and Park Expansion project.

Section 6. The amount of \$15,000.00 is appropriated in SAP Fund 41028000, Parks Development Expansion Commercial Paper, and is authorized to be encumbered and made payable to the Trust for Public Land in connection with the Proposition Three Edwards Land Acquisition and Park Expansion project.

Section 7. The amount of \$450.00 is appropriated in SAP Fund 41028000, Parks Development Expansion Commercial Paper, and is authorized to be encumbered and made payable to Stewart Title Company in connection with the Proposition Three Edwards Land Acquisition and Park Expansion project.

Section 8. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the Interim City Manager, or the Interim City Manager's designee, correct allocation to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

Section 9. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may subject to concurrence by the Interim City Manager or the Interim City Manager's designee, correct allocation to specific index codes and fund numbers as necessary to carry out the purpose of this Ordinance.

Section 10 Any payments authorized under this ordinance necessary to be paid through the closing process may be made payable to Stewart Title Company as escrow agent for the closing of this real estate purchase transaction.

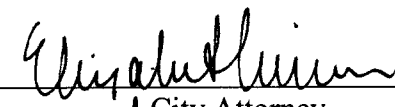
Section 11. Pursuant to and for the purpose of complying with Article II, Section 15 of the City's Charter, this ordinance is hereby passed as an emergency measure and shall be effective immediately upon passage by eight (8) or more affirmative votes for the preservation of public peace, property, health or safety, otherwise the same shall take effect on the tenth day after the date of its passage by the City Council.

PASSED AND APPROVED this 20th day of January, 2005.



M A Y O R
EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney